

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

In re:	§
	§ Subchapter V
Scott Vincent Van Dyke	§
	§ Case No. 21-60052
Debtor.	§ Christopher M. Lopez

**DEBTOR’S RESPONSE AND OBJECTION TO THE MOTION OF MICHAEL L.
NOEL’S MOTION FOR RELIEF FROM STAY REGARDING STATE COURT
LITIGATION**

(Relates to Docket No. 37)

To the Honorable Christopher M. Lopez:

The Debtor, Scott Vincent Van Dyke (“Mr. Van Dyke” or “Debtor”), hereby files this Response and Objection (“Response”) to Michael L. Noel’s Motion for Relief from the Stay Regarding State Court Litigation (the “Motion”) and in support, respectfully states as follows:

1. Paragraph 1 does not require a response.
2. Paragraph 2 is admitted.
3. Paragraph 3 is admitted.
4. Paragraph 4 does not require a response as it contains conclusions of law, however, Mr. Van Dyke disagrees with the assertions contained in the paragraph.

5. Mr. Van Dyke opposes the relief requested in paragraph 5 as Movant has already filed a proof of claim (the “Proof of Claim”) (assigned claim number 6) in the amount of \$2,810,011.11. Per the Proof of Claim, the remaining issues to be determined by the state court are Movant’s attorneys fees and whether Movant’s claim, with respect to the Personal Undertaking Agreement, is barred by statute of limitations. Mr. Van Dyke believe it is in the best interest of the estate for these remaining issues to be resolved by the bankruptcy court

through the claims objection process to determine the amount of claimant's claim and treat Movant's claim in Mr. Van Dyke's plan of reorganization.

WHEREFORE, PREMISES CONSIDERED, Mr. Scott Vincent Van Dyke respectfully requests that this Court deny the Motion filed by Movant and for such further relief as to which he may show himself entitled.

Dated: July 30, 2021

Respectfully submitted,

TRAN SINGH, LLP

By: /s/Susan Tran Adams
Susan Tran Adams | TBN: 24075648
Brendon Singh | TBN: 24075646
Briana Head | TBN: 24114958
2502 La Branch St
Houston TX 77004
Ph: (832) 975-7300
Fax: (832) 975-7301
STran@ts-llp.com

Counsel for Scott Vincent Van Dyke

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2021 a true and correct copy of the foregoing Response was served upon the following interested parties requested notice via CM/ECF.

/s/Susan Tran Adams
Susan Tran Adams